

# TESTS FOR EXEMPTION OF EMPLOYEE FROM PROVISIONS OF FAIR LABOR STANDARDS ACT

Name \_\_\_\_\_ Job Title SAFETY SPECIALIST

Department \_\_\_\_\_ Location KUPAUK Date \_\_\_\_\_

Basis for exemption: ☐ Executive ☒ Professional ☒ Administrative ☐ Outside Salesperson

## EXECUTIVE TEST

LONG TEST (Must qualify in all seven categories listed below)

1. \_\_\_\_\_ Manages an enterprise or a customarily recognized department or subdivision; and
2. \_\_\_\_\_ Customarily and regularly directs work of two or more employees; and
3. \_\_\_\_\_ Hires or fires employees, or whose recommendations are given particular weight; and
4. \_\_\_\_\_ Customarily and regularly exercises discretionary powers; and
5. \_\_\_\_\_ Devotes no more than 20% of weekly hours to work not closely related to above; and
6. \_\_\_\_\_ Compensated at a rate of \$155 or more per week; and
7. \_\_\_\_\_ Receives a salary which is not reduced for quality or quantity of work.

## SHORT TEST

1. \_\_\_\_\_ Must qualify under the first two categories listed above; and
2. \_\_\_\_\_ Must be compensated at a rate of \$250 or more per week.

## ADMINISTRATIVE TEST

LONG TEST (Must qualify in categories 1, 2, 4, 5, and 6 and one item in category 3)

1. ☒ Performs office or non-manual work directly related to management policies or general business operations; and
2. ☒ Customarily and regularly exercises discretion and independent judgment; and
3. ☒ Regularly and directly assists an employee in a bona fide executive or administrative capacity; or
4. ☒ Performs specialized or technical work requiring special training experience or knowledge under only general supervision; or
5. ☒ Executes special assignments and tasks under only general supervision; and
6. ☒ Devotes no more than 20% of weekly hours to work not directly or closely related to above; and
7. ☒ Compensated at a rate of \$155 or more per week; and
8. ☒ Receives a salary which is not reduced for quality or quantity of work.

## SHORT TEST

1. \_\_\_\_\_ Must qualify under categories 1 and 2 above; and
2. \_\_\_\_\_ Compensated at a rate of \$250 or more per week.

## PROFESSIONAL TEST

LONG TEST (Must qualify in categories 2, 3, 4, 5, and 6 and one item in category 1)

1. ☒ Primary duty requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized instruction and study;

or

- ☒ Performs work which is original and creative in character, in a recognized field of artistic endeavor, requiring invention, imagination or talent of employee; or

- ☒ Imparts knowledge through teaching, tutoring, instructing or lecturing as a recognized or certified teacher; and

2. ☒ Work requires consistent exercise of discretion and judgment in its performance; and

3. ☒ Performs work which is predominantly intellectual and varied and is of a character that the output or result cannot be standardized in terms of time; and

4. ☒ Devotes no more than 20% of weekly hours to work not closely related to the performance of work described in 1 through 3 above; and

5. ☒ Compensated at a rate of not less than \$170 per week; and

6. ☒ Receives a salary which is not reduced for quality or quantity of work.

SAFETY MEDICAL  
SKITS  
PERSONAL EXP. 2  
EMOTION

CAMPION

2 FULL DAY  
HALF DAYS?

## OUTSIDE SALESPERSON\*

1. Customarily and regularly engaged away from place of business and employed to:

- A. Sell, or  
B. Obtain orders or contracts for service or for use of facilities.

2. Does not perform work other than that described above which exceeds 20% of the hours worked in the workweek by non-exempt employees who perform that kind of work.

Note: Work performed incidental to and in conjunction with employee's own outside sales or solicitations will not be regarded as non-exempt work.

No salary test is applied to outside salesperson.

\*Referred to as "outside salesman" in the law.

NOTE: The distinction between exempt and non-exempt can be very difficult to discern in certain cases. If you have any doubt consult the U.S. Department of Labor and your attorney.

TRAINING  
TEACHING  
MENTORING  
BETTER ORATIVE 2

## SHORT TEST

1. Must qualify under the second category and one of the three items in the first category shown above; and

2. Compensated at a rate of \$250 or more per week.

Supervisor

Date

Personnel

Date